

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

APPLE INC. and NeXT SOFTWARE,  
INC. (f/k/a NeXT COMPUTER, INC.),

Plaintiffs,

v.

MOTOROLA, INC. and MOTOROLA  
MOBILITY, INC.

Defendants.

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Case No. 10-CV-662-BBC

**JURY TRIAL DEMANDED**

**MOTOROLA'S MOTION FOR CLAIM CONSTRUCTION AND A HEARING**

Pursuant to the Court's December 20, 2010 Preliminary Pretrial Conference Order, Defendants Motorola Solutions, Inc. (f/k/a Motorola, Inc.) (hereinafter "Solutions") and Motorola Mobility, Inc. (hereinafter "Mobility") (collectively, "Motorola") respectfully request this Court to address and construe the disputed claim terms and phrases identified below and addressed in detail in the attached Memorandum In Support of Motorola's Motion For Claim Construction And A Hearing ("Memorandum"). Motorola also respectfully requests a claim construction hearing. The specific reasons that each term or phrase requires construction and a hearing are separately explained in Motorola's Memorandum, filed concurrently with this Motion.

<b>Apple Patent No.</b>	<b>Disputed Claim Term or Phrase</b>
U.S. Patent No. 6,275,983	"during runtime"
U.S. Patent No. 5,969,705	"events for controlling said user interface display"

U.S. Patent No. 5,566,337	"storing means for storing a specific set of event of which said at least one event consumer needs to be informed"
U.S. Patent No. 5,455,599	"means for capturing state information and rendering information at the grafport object"
U.S. Patent No. 6,424,354	"connection information"
U.S. Patent Nos. RE39,486 and 5,929,852	"software component architecture"
U.S. Patent No. 5,946,647	"linking actions to the detected structures"
U.S. Patent No. 5,481,721	"dynamic binding"
U.S. Patent No. 6,493,002	"programming module"

<b>Motorola Patent No.</b>	<b>Disputed Claim Term or Phrase</b>
U.S. Patent No. 6,175,559	"preamble sequence"
U.S. Patent No. 6,175,559	"outer code"
U.S. Patent No. 5,490,230	"long term energy value for [the/a] frame of information"
U.S. Patent No. 5,490,230	"extracting from [the recovered signal/the speech coded information] at least one parameter"
U.S. Patent No. 5,319,712	"transmit overflow sequence number"
U.S. Patent No. 5,572,193	"transmitting... from the subscriber unit to the communication system"

There are 21 patents at issue in this action. Apple Inc. and NeXT Software, Inc. (collectively, "Apple") assert 15 patents. Mobility asserts 6 patents. The disputed claim terms and phrases selected from those patents vary in scope, and their construction requires an analysis of the intrinsic record and to a limited extent, extrinsic evidence.

As explained in Motorola's Memorandum, the proper construction for 8 of the selected terms and phrases from Apple's patents will confirm that Motorola's accused products do not infringe those patents. Moreover, the proper construction for the "means for capturing..." phrase from Apple's '599 Patent will confirm invalidity for the asserted claims from that patent.

This Court has already set aside July 22, 2011 for a Claims Construction Hearing. [Preliminary Pretrial Conf. Order, Dec. 20, 2011, Dkt. No. 108, at p. 3.] Motorola believes that a claim construction hearing would be helpful to the Court and the Parties, by allowing the parties an opportunity to present the most important positions and supporting evidence concerning the proposed constructions. A hearing will also allow the Parties to address any questions or issues raised by the Court.

Accordingly, Motorola respectfully requests that the Court grant its motion for claim construction and a hearing.

Dated: June 17, 2011

Respectfully submitted,

MOTOROLA MOBILITY, INC.

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